



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2010-FEB-18 IN THE DOUG RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

Present: Mr. Lars Apland, Chair
Ms. Janet Cowling
Mr. Jim Galloway
Mr. Amarjit Minhas

Staff: Mr. Dave Pady

1. CALL TO ORDER:

The meeting was called to order at 7:02pm.

2. ADOPTION OF MINUTES:

It was moved and seconded that the minutes of the meeting held 2010-JAN-21 be adopted.

CARRIED

3. NEW BUSINESS:

It was moved and seconded that notifications will be sent to applicants as well as surrounding properties.

CARRIED

It was noted that there are some 2009 agendas and minutes which are not posted on the City website.

The Board requested a copy of the draft minutes within a week of the meeting in order to review.

4. APPLICATIONS:

APPEAL NO.: BOV534

Applicant: Mr. Marc Landry

Civic Address: 3434 Arrowsmith Road

Legal Description: STRATA LT 3, DL 31, LD 58, STRATA PLN VIS5731
STRATA LOT 3, DISTRICT LOT 31, WELLINGTON DISTRICT,
STRATA PLAN VIS5731 TOGETHER WITH AN INTEREST IN THE
COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Purpose: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet), as shown in the survey provided, to 4.84 metres (15.87 feet) in order to permit the construction of an accessory building. This represents a height variance of 0.34 metres (1.12 feet).

Zoning Regulations: This property is within the Rural Agricultural / Residential Zone (A-2).

The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000": Section 8.2.7.3 – Height of Buildings – The height of an accessory building (excluding farm buildings) shall not exceed 4.5 metres (14.76 feet).

Discussion:

- Mr. Marc Landry and Mrs. Cheryl Landry appeared in support of the appeal.

The Board approved the application. It was noted the application requested a Gross Floor Area (GFA) variance in addition to the height variance.

POST MEETING NOTE FROM STAFF:

It was later determined that the A-2 Zone does not limit the size of an accessory building and, as such, a variance for GFA is not required.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV535

Applicant: Mr. Geoffrey Simair

Civic address: 564 Rosehill Street

Legal description: LT 4, SEC 1, PLN 1505, LD 32 , LOT 4, SUBURBAN LOT 32,
SECTION 1, NANAIMO DISTRICT, PLAN 1505

Purpose: The applicant is requesting that the required front yard setback to a major road be reduced from 10 metres (32.8 feet) to 8.89 metres (29.16 feet), as shown on the survey, in order to permit a structural addition to a single family dwelling which is non-conforming as to siting. This represents a front yard variance of 1.11 metres (3.64 feet).

Please note: The applicant previously applied to Board of Variance to reduce the side yard setback from 1.4 metres (4.92 feet) to 0.05 metres (0.16 feet) in order to permit the recently constructed stairs and landing on a single family dwelling which is non-conforming as to siting. At their regular meeting held 2010-NOV-19 the Board denied the variance. The applicants have removed a portion of the landing and this constitutes a change in the variance request.

Please note: Section 911 (9) and (10) of the Local Government Act, which states: "If the use and density of buildings and structures conform to a bylaw under this division... but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started."

Zoning Regulations: This property is within the Medium Density Multiple Family Residential (Suburban) Zone (RM-5). Single family dwellings within this zone are subject to the yard requirements of the Single Family Residential Zone (RS-1/RS-1a). The applicant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

"Section 6.1.6 - Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided."

Discussion:

- Mr. Peter Blok-Andersen appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

APPEAL NO.: BOV537

Applicant: Mr. Rod Welbourn

Civic address: 5796 Bradbury Road

Legal Description: LT 8, DL 38, LD 58, PLN VIP77284, LOT 8, DISTRICT LOT 38, WELLINGTON DISTRICT, PLAN VIP77284

Purpose: The applicant is requesting that the maximum height of a single family dwelling be increased from 8.25 metres (27.06 feet) to 9.17 metres (30.08 feet), as shown in the survey provided, in order to permit the construction of a single family dwelling. This represents a height variance of 0.92 metres (3.02 feet).

Zoning Regulations: This property is within the Residential Single Family Zone (RS-1).

The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000", as follows:

"Section 6.1.7.1 - Height of Buildings

The height of a principal building shall not exceed the maximum height shown in the following table:

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A flat roof (< than 4:12)</i>	<i>6.71 metres (22 feet)</i>
<i>A sloped roof (≥ 4:12)*</i>	<i>8.25 metres (27.06 feet)</i>

**for an area of at least 80% of all roof surfaces measured in plan view.*

Discussion:

- Mr. Rod Welbourn and Mrs. Debbie Welbourn appeared in support of the appeal.

- Mr and Mrs. Perpeluk (5674 Rutherford Road) appeared with questions regarding the appeal and were satisfied that the proposed single family dwelling will not unduly affect them.

The Board did not receive a copy of the survey for this application but it was confirmed that the survey was included in the notification to surrounding properties.

DECISION:


It was moved and seconded that the appeal be approved.

CARRIED

5. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 8:04 pm.

6. APPROVED:

Chair 
Date 